is the policy of the Minnesota courts to prevent, if possible, the operation of the exemption clause of the statute. Thus corporations manufacturing, packing and selling dairy products; in general laundry business; allowed to manufacture, sell, use and lease machinery; allowed to manufacture and deal in azotine, etc.; and manufacturing, purchasing and repairing plows and agricultural machinery were all held not to be manufacturing corporations so as to entitle their shareholders to the exemption of the Constitution. We assume, with some little hesitation, that a corporation empowered to *manufacture,* but in no way authorized to *dispose of* its product would be within the terms of the exemption as defined by the Minnesota courts.

DIVORCE—DOMICILE AND ESTOPPEL.—Defendant had been deserted by her husband in New York; plaintiff persuaded her to go to Nevada, establish a domicile there, and get a divorce; which she did, receiving financial aid from plaintiff. Plaintiff and defendant were then married. Plaintiff now seeks to have the marriage annulled on the ground that the divorce in Nevada was void because defendant's first husband was not a resident of Nevada, had not been personally served, and did not appear. *Held,* that the Nevada decree might be recognized in New York under interstate comity and that the plaintiff could not question a decree which he himself was instrumental in obtaining. *Kaufman* v. *Kaufman,* (1917), 163 N. Y. Supp. 566.

The New York courts have been little disposed to recognize divorce decrees granted in other states against residents of New York who were not personally served and who did not appear. In *O'Dea* v. *O'Dea,* 101 N. Y. 23, the wife deserted the husband, who moved to Ohio and secured a divorce from her. She married again and her second husband successfully sued for annullment on the ground that the Ohio divorce was not entitled to recognition in New York. The United States Supreme Court reached a different conclusion in *Atherton* v. *Atherton,* 181 U. S. 155, where the divorce was granted by a court in the matrimonial domicile. Since the *Atherton* case two New York cases, *North* v. *North,* 93 N. Y. Supp. 512, and *Post* v. *Post,* 133 N. Y. Supp. 1057, (affirmed 210 N. Y. 607), have followed the *Atherton* case. In *Post* v. *Post* the court said that where the wife deserted the husband and moved to another state the decision of the court of the state where the husband remained was conclusive as to the justification of her leaving and would be entitled to full faith and credit, but where the husband moved to another state leaving the wife, the decision of the court where the husband goes is not conclusive, thus distinguishing *Atherton* v. *Atherton,* supra, and *Haddock* v. *Haddock,* 201 U. S. 562. See *Perkins* v. *Perkins,* (Mass), 113 N. E. 841, 15 MICH. L. REV. 269, following *Haddock* v. *Haddock.* But a different situation is raised when the wife has gone to another state and secured a divorce, her husband having deserted her. It is universally held that under such circumstances she may secure a separate domicile. *Harding* v. *Alden,* 9 Greenl. (Me.) 140; *Buckley* v. *Buckley,* 50 Wash. 213; *Wacker* v. *Wacker,* 139 N. Y. Supp. 78. But a decree so obtained by her in another state has not been recognized in New York, provided the husband is a resident of New York. *People* v. *Baker,* 76 N. Y. 78. The court in the principal case held it did not

appear clearly that the husband was a resident of New York, and so the policy of New York did not forbid the recognition of the Nevada decree; and even if it did so appear, still the plaintiff was estopped to deny the validity of defendant's divorce. The holdings of the New York court in regard to recognizing a foreign divorce decree have placed it in a puzzling situation sometimes. In *Re Swale's Estate,* 70 N. Y. Supp. 220, the wife went to Illinois, got a divorce from her husband, came back to New York, married again and upon her first husband's death sued to get administration of his estate. Her second marriage was invalid by the laws of New York; yet it would be inconsistent to allow her, being the wife of another, to secure administration of her first husband's estate. The New York court solved the difficulty by holding that the wife, having secured the decree in Illinois, was afterwards estopped to deny its validity. For other cases arising under like circumstances see *In Re Feyh's Estate,* 5 N. Y. Supp. 90, *Berry* v. *Berry,* 114 N. Y. Supp. 497, *Starbuck* v. *Starbuck,* 173 N. Y. 503. The instant case goes a step further in holding that the plaintiff, who aided the wife in securing the decree, will also be estopped to deny its validity. See also *Kinnier* v. *Kinnier,* 45 N. Y. 535.

DIVORCE—INDIANS.—Plaintiff's mother was a Sioux Indian who had been abandoned by her husband Alexis, a half-breed, about four years before plaintiff's birth. Plaintiff claimed certain land as heir of Alexis upon the ground that there had been no valid divorce between Alexis and his mother. Alexis could read and write, and looked and dressed like a white man, but was recognized as a member of the Sioux tribe and followed tribal customs when he "bought" and married plaintiff's mother; under the same customs, his later abandonment of her amounted to a valid divorce. *Held,* that a divorce by abandonment according to Indian customs, when the tribe is still treated by the Federal government as a distinct community, will be recognized by state courts. *La Framboise* v. *Day,* (Minn. 1917) 161 N. W. 529.

The Indian custom in regard to marriage consisted simply in living together as husband and wife; divorce was an agreement to part, or abandonment by one party of the other. *Earl* v. *Godley,* 42 Minn. 361. One case says there must be express words uttered in the present tense disclosing a meeting of minds in order to constitute an Indian marriage. *Henry* v. *Taylor,* 16 S. D. 424. But most authorities do not require that the elements of a common law marriage be present. The question is simple when the marriage or divorce takes place in Indian territory and both parties are Indians; it is held uniformly in such cases that the marriage or divorce is valid. *Buck* v. *Branson,* 34 Okl. 807; *Wall* v. *Williamson,* 8 Ala. 48; *Earl* v. *Godley,* supra. The principal case holds that a marriage and divorce between a half-breed and Indian woman will be recognized although the half-breed acted and appeared like a white man and did not live on a reservation; the important fact was that he was recognized as a member of the tribe. In *Cyr* v. *Walker,* 29 Okl. 281, a white man who had been adopted by the Pottowatomie Indians married a white wife in Illinois, and after moving with her to an Indian reservation, abandoned her. It was held to constitute a divorce.